

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MICHAEL H. HAGAN,

Plaintiff,

v.

CIV 12-0031 KBM/RHS

**TIMOTHY ROSE and
THE ROSE LAW FIRM, P.C.,
A New Mexico Professional Corporation,**

Defendants.

**ORDER ON DEFENDANTS' MOTION TO STRIKE
MOTION IN LIMINE RESPONSES**

THIS MATTER comes before the Court on Defendants' Motion to Strike (*Doc. 87*), filed March 5, 2013. Having reviewed Plaintiff's Response (*Doc. 89*) and being informed that the matter has been fully briefed (*Doc. 94*), I will deny the Motion.

There is no question that Plaintiff filed responses to Defendants' three Motions in Limine three days after the deadline.¹ Typically, the Court will not accept late responses. Trial deadlines must be met. However, the significance of the issues raised by Defendants and the fact that the trial setting was vacated both weigh in favor of allowing Plaintiffs' late responses. Plaintiff's counsel is cautioned that the Court's lenience has now been exhausted. Further delinquencies will not be tolerated, and sanctions up to and including dismissal may be imposed.

¹ Responses to Motions in Limine were due ten days before trial, or by Friday, March 1, 2013. See *Doc. 54-1* at 5. Defendants did not file responses to any of Defendants' Motions until March 4, 2013. See *Docs. 80, 83, 84*.

Wherefore,

IT IS ORDERED that Defendants' Motion to Strike (*Doc. 87*) is denied. The Court will consider Plaintiff's tardy responses to Defendants' motions in limine.

IT IS FURTHER ORDERED that, given the above ruling, Plaintiff's Motion for Enlargement of Time (*Doc. 91*) is denied as moot.


UNITED STATES CHIEF MAGISTRATE JUDGE
Presiding by Consent